



General Assembly

February Session, 2010

Amendment

LCO No. 4811

HB0541904811HD0

Offered by:

REP. HURLBURT, 53rd Dist.

To: Subst. House Bill No. 5419

File No. 432

Cal. No. 217

"AN ACT CONCERNING FARMS, FOOD AND JOBS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 22-6r of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (a) For purposes of this section:

7 (1) "Farmers' market" means a cooperative or nonprofit enterprise or
8 association that consistently occupies a given site throughout the
9 season [, which] or that occupies a given site for any given day or
10 event and that operates principally as a common marketplace for a
11 group of farmers, at least two of whom are selling Connecticut-grown
12 fresh produce, to sell Connecticut-grown farm products in
13 conformance with the applicable regulations of Connecticut state
14 agencies and where the farm products sold are produced by the
15 participating farmers with the sole intent and purpose of generating a

16 portion of household income;

17 (2) "Fresh produce" means fruits and vegetables that have not been
18 processed in any manner;

19 (3) "Certified farmers' market" means a farmers' market that is
20 authorized by the commissioner to operate;

21 (4) "Farmer's kiosk" means a structure or area located within a
22 certified farmers' market used by a farm business to conduct sales of
23 Connecticut-grown farm products;

24 (5) "Connecticut-grown" means produce and other farm products
25 that have a traceable point of origin within Connecticut;

26 (6) "Farm" has the meaning ascribed to it in subsection (q) of section
27 1-1;

28 (7) "Farm products" means any fresh fruits, vegetables, mushrooms,
29 nuts, shell eggs, honey or other bee products, maple syrup or maple
30 sugar, flowers, nursery stock and other horticultural commodities,
31 livestock food products, including meat, milk, cheese and other dairy
32 products, food products of "aquaculture", as defined in subsection (q)
33 of section 1-1, including fish, oysters, clams, mussels and other
34 molluscan shellfish taken from the waters of the state or tidal
35 wetlands, products from any tree, vine or plant and their flowers, or
36 any of the products listed in this subdivision that have been processed
37 by the participating farmer, including, but not limited to, baked goods
38 made with farm products.

39 Sec. 2. Section 22-137a of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective from passage*):

41 (a) There is established, within available appropriations, the
42 Connecticut Milk Promotion Board which shall be within the
43 Department of Agriculture for administrative purposes only.

44 (b) The board shall consist of nine members: (1) One appointed by

45 the majority leader of the Senate, who shall be a Connecticut licensed
46 dairy producer and a member of a dairy cooperative; (2) one
47 appointed by the president pro tempore of the Senate, who shall be a
48 Connecticut licensed milk producer and a member of a dairy
49 cooperative; (3) one appointed by the speaker of the House of
50 Representatives, who shall be an independent Connecticut licensed
51 milk producer; (4) one appointed by the minority leader of the House
52 of Representatives, who shall be a Connecticut licensed milk producer
53 and a member of a dairy cooperative; (5) one appointed by the
54 minority leader of the Senate, who shall be a Connecticut licensed milk
55 producer and a member of a dairy cooperative; (6) one appointed by
56 the majority leader of the House of Representatives, who shall be a
57 member of a state-wide health and nutrition organization promoting
58 consumer interests; (7) the Commissioner of Agriculture, or the
59 commissioner's designee; and (8) the chairpersons of the joint standing
60 committee of the General Assembly having cognizance of matters
61 relating to agriculture, who shall be ex-officio members without the
62 right to vote. The board shall elect a chairperson and a vice-
63 chairperson from among its members. Any person absent from (A)
64 three consecutive meetings of the commission, or (B) fifty per cent of
65 such meetings during any calendar year shall be deemed to have
66 resigned from the board, effective immediately. Vacancies on the
67 board shall be filled by the appointing authority. Members of the
68 board serve without compensation but shall, within the limits of
69 available funds, be reimbursed for expenses necessarily incurred in the
70 performance of their duties. The board shall meet as often as deemed
71 necessary by the chairperson or a majority of the board.

72 (c) The board shall: (1) Develop, coordinate and implement
73 promotional, research and other programs designed to promote
74 Connecticut dairy farms and milk consumption; and (2) prepare and
75 submit to the joint standing committee of the General Assembly
76 having cognizance of matters relating to agriculture an annual report
77 concerning its activities.

78 (d) The board may use such funds as may be available from federal,

79 state or other sources and may enter into contracts to carry out the
80 purposes of this section. Any money collected by the board pursuant
81 to the provisions of this section shall not be deemed state funds and
82 shall be deposited pursuant to section 4-33, in a qualified public
83 depository in Connecticut. Such funds shall be expended by the board
84 for expenses incurred in administering the budget recommended by
85 the board.

86 (e) The board may, subject to the provisions of chapter 67, employ
87 any necessary staff within such available funds or appropriations.

88 Sec. 3. Section 21a-24a of the general statutes is repealed and the
89 following is substituted in lieu thereof (*Effective January 1, 2011*):

90 (a) As used in this section:

91 (1) "Acidified food product" means a food item, with a pH value of
92 4.6 or less upon completion of the recipe for such product, including,
93 but not limited to, pickles, salsa and hot sauce produced on the
94 premises of a residential farm. "Acidified food products" does not
95 include food consisting in whole or in part of milk or milk products,
96 eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or
97 other ingredients, including synthetic ingredients, in a form capable of
98 supporting rapid and progressive growth of infectious or toxigenic
99 microorganisms.

100 [(1)] (2) "Jam" means a food, with a pH value of 4.6 or less, made by
101 cooking fruit or vegetables with sugar to a thick mixture.

102 [(2)] (3) "Jelly" means a food, with a pH value of 4.6 or less, made by
103 cooking fruit or vegetable juice that has been boiled with sugar.

104 [(3)] (4) "Preserves" means a food, with a pH value of 4.6 or less,
105 consisting of fruit or vegetables preserved whole by cooking with
106 sugar.

107 [(4)] (5) "Residential farm" means property (A) being utilized as a
108 farm, as defined in subsection (q) of section 1-1, and (B) serving as the

109 primary residence of the owner of such property.

110 (b) Notwithstanding the provisions of sections 21a-91 to 21a-120,
111 inclusive, and section 19-13-B40 of the regulations of Connecticut state
112 agencies, the preparation and sale of acidified food products, jams,
113 jellies or preserves on a residential farm shall be allowed in a room
114 used as living quarters and exempt from inspection by any state or
115 local agency, provided such acidified food products, jams, jellies or
116 preserves are prepared with fruit or vegetables grown on such farm
117 and in the case of acidified foods, provided (1) the water supply of
118 such residential farm comes from a public water supply system or, if
119 from a private well, is tested annually, and tests negative for, coliform
120 bacteria, (2) a pH test of such foods is performed by a laboratory after
121 completion of the recipe for such product, (3) use of the kitchen where
122 such foods are prepared is restricted from non-processing individuals,
123 pets, children or any other potential contaminants during such
124 preparation, and (4) the preparer of such foods (A) possesses
125 documentation of such preparer's successful completion of an
126 examination concerning safe food handling techniques administered
127 by an organization approved by the Department of Public Health for
128 qualified food operators, or possesses documentation indicating
129 successful completion of an approved course concerning safe food
130 processing techniques administered by an organization approved by
131 the Department of Consumer Protection, and (B) such documentation
132 is made available to the local health department or the Department of
133 Consumer Protection upon request. Each container of acidified food
134 products, jam, jelly or preserves offered for sale on such farm shall
135 have on its label, in ten-point type: "Not prepared in a government
136 inspected kitchen".

137 Sec. 4. (NEW) (*Effective from passage*) (a) For purposes of this section:

138 (1) "Poultry" has the same meaning as provided in section 22-326s of
139 the general statutes; and

140 (2) "Producer" means any person, firm or corporation engaged in

141 the breeding, raising or keeping of not more than five thousand
 142 turkeys or twenty thousand poultry of all species in a calendar year for
 143 the purpose of food production.

144 (b) The Commissioner of Agriculture shall be the state official in
 145 charge of inspecting any producer and any producer that also operates
 146 as a poultry processing facility. Any inspection conducted pursuant to
 147 this subsection shall be consistent with the requirements of the federal
 148 Poultry Products Inspection Act and any applicable provision of the
 149 Code of Federal Regulations, including, but not limited to, any health,
 150 sanitary and safety related provision. Poultry processing facilities that
 151 meet the applicable criteria for federal Food Safety and Inspection
 152 Services exemptions and that have passed Department of Agriculture
 153 facility inspections pursuant to this subsection shall be designated as
 154 approved food sources for household consumers, restaurants, hotels
 155 and boarding houses."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-6r(a)
Sec. 2	<i>from passage</i>	22-137a
Sec. 3	<i>January 1, 2011</i>	21a-24a
Sec. 4	<i>from passage</i>	New section